

Chapter 690 Weeds

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CROSS REFERENCES

Weeds generally - see M.C.L.A. §§247.51, 247.52, 247.61 et seq.,
286.701 et seq.

Nuisance abatement; damages and expenses - see M.C.L.A. §600.2940

Nuisances generally - see M.C.L.A. §§600.3801 et seq.

Public nuisances - see GEN. OFF. 676.04

690.01 DEFINITIONS.

(a) Terms Defined. As used in this chapter:

(1) "Code Enforcement Officer" shall mean the duly appointed and acting Code Enforcement Officer of the City of Ionia.
(Ord. 384. Passed 10-4-99.)

(2) "Cost" shall include the expense of surveying the lots upon which weeds are growing, the expense of notices, printing, mailing and actual expense incidental to the cutting of weeds. (1975 Code §9.61(1))

(3) "Council" shall mean the duly elected legislative body of the City of Ionia.
(1975 Code §9.61(2))

(4) "Lot or parcel of land" shall mean any subdivision, lot or portion thereof as officially platted or any unplatted parcel of land as may be described upon official records. (1975 Code §9.61(3))

(5) "Noxious weeds" shall include but not be limited to Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron Vernix*), rank vegetable growth which emits unpleasant, unhealthy or noxious odor or pollen, and any high weeds or vegetative growth which might conceal rubbish, waste materials or filthy deposits. It shall also include normal grass in excess of six inches in length. (1975 Code §9.61(4))

(6) "Owner" shall mean the last recorded title holder of any lot or parcel of land or the person whose name is listed last upon the City tax roll as owner of a certain lot or parcel of land. (1975 Code §9.61(5))

(7) "Person" shall include an individual, group, partnership, firm, association, corporation or congregation. (1975 Code § 9.61(6))

(b) Rules of Construction. Singular words shall include the plural, and masculine words shall include the feminine and the neuter. (1975 Code §9.61(8)) (Ord. 07-2003-02. Passed 8-5-03.)

690.02 PERMITTING NOXIOUS WEEDS.

No owner, occupant or person having charge of any lot or parcel of land within the City shall permit or allow noxious weeds to grow thereon or permit any noxious weeds to ripen or reach seed bearing stage. (1975 Code §9.62) (Ord. 07-2003-02. Passed 8-5-03.)

690.03 CUTTING AND DESTROYING NOXIOUS WEEDS.

No owner, occupant or person having charge of any lands within the limits of the City upon which noxious weeds (or tall grass) are growing or standing shall fail, neglect or refuse to cut and destroy or cause to be cut and destroyed all noxious weeds growing or standing on said premises. (1975 Code §9.63) (Ord. 07-2003-02. Passed 8-5-03.)

690.04 DECLARATION OF PUBLIC NUISANCE.

The presence of noxious weeds upon any lot or parcel of land within the limits of the City is hereby declared to be a public nuisance, and shall be a violation of this chapter by the owner, occupant or person having charge of said lot or parcel of land. (1975 Code §9.64) (Ord. 07-2003-02. Passed 8-5-03.)

690.05 NOTICE REQUIRED.

It is hereby made the duty of the Code Enforcement Officer to give general notice to every owner, occupant or person having charge of any lands in the City wherein noxious weeds are growing, to cut and destroy the same, in the following manner:

Notice that all noxious weeds must be cut on or before the date set by the Code Enforcement Officer shall be given to each owner of or party in interest in property whose name appears on the last local assessment records of the City, by mailing such notice by first class mail addressed to such owner or party in interest at the address shown on the said tax record at least five days prior to the date upon which the weeds must be cut, or by publication at least once in a newspaper of general circulation in the City to be designated by the Council, said publication to be not less than five days prior to the date upon which the weeds must be cut. For the second and each subsequent notice required to be sent in any calendar year by the Code Enforcement Officer to the owner or party in interest, there shall be an additional charge to be determined from time to time by Council, which shall be collected in the same manner as set forth in Section 690.09. (Ord. 384. Passed 10-4-99; Ord. 07-2003-02. Passed 8-5-03.)

690.06 FORM OF NOTICE.

The notice may read as follows:

NOTICE TO CUT WEEDS

Notice is hereby given to the owner, occupant or person having charge of any lot or parcel of land in the City of Ionia that all noxious weeds growing on any lot or parcel of land in said City of Ionia, Ionia County, Michigan, must be cut down and destroyed on or before the day of _____, 20 . Failure to comply with this notice on or before the date mentioned shall make the owner, occupant or person having charge of said lot or parcel of land, liable for the cost of cutting or destroying same and an additional levy of twenty-five percent of such cost to be levied and collected against the property in the manner provided by law, in addition to any other penalty provided by law.

This notice is given pursuant to Section 210.22 of the Codified Ordinances of Ionia, Michigan.

Ionia, Michigan

Code Enforcement Officer

City of Ionia

(1975 Code §9.66) (Ord. 07-2003-02. Passed 8-5-03.)

690.07 FAILURE TO COMPLY WITH NOTICE.

In case the owner, occupant or person having charge of any land in the City shall refuse or neglect to comply with such notice, or shall refuse or neglect to cut the weeds on or before the date stated in such notice, it shall be the duty of the Code Enforcement Officer or someone working under his or her direction and employment to enter upon the land and to cause all such noxious weeds to be cut down with as little damage to other vegetation as possible. Express power to enter upon such land and destroy noxious weeds is hereby conferred upon the Code Enforcement Officer. (1975 Code §9.67)

(Ord. 07-2003-02. Passed 8-5-03.)

690.08 COST AND CHARGES.

The cost in connection with the cutting or destroying of noxious weeds, together with twenty-five percent of such cost to cover the contingent expenses, shall be charged against the owner or occupant of said premises and against the property itself; provided, however, that the minimum charge for such work on any lot or parcel of land shall be twenty-five dollars (\$25.00). (1975 Code §9.68) (Ord. 07-2003-02. Passed 8-5-03.)

690.09 COLLECTION OF COST AND CHARGES.

The Code Enforcement Officer shall keep a record of the cost of cutting the weeds upon each separate lot and parcel of land by the City and shall notify the owner or occupant of the said premises, by ordinary mail addressed to the person whose name appears on the last local assessment records of the City, that the City has cut or caused to be cut and destroyed the weeds upon said premises in accordance with this chapter, together with a statement of the amount due the City. If the cost and charges due the City for cutting and destroying weeds upon any lot or parcel of land in accordance with the provisions of this chapter shall not have been collected on or before December 31 of the year in which the expense was incurred by the City, the same shall be reported by the Treasurer to the Council to be collected by a special assessment against the property owners in accordance with Section 210.15 of these Codified Ordinances. The remedy provided for in this section and in Sections 690.07 and 690.08 shall be in addition to the penalty provided in Section 690.99. (1975 Code §9.69). (Ord. 07-2003-02. Passed 8-5-03.)

690.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of these Codified Ordinances for the general Code penalty if no specific penalty is provided.)

(Ord. 07-2003-02. Passed 8-5-03.)